

ARIZONA DEPARTMENT OF CORRECTIONS

NON-DISCRIMINATION POLICY

2011

The Arizona Department of Corrections is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunity and prohibits discriminatory practices, including harassment. Therefore, the Arizona Department of Corrections commits itself to the following non discrimination policy.

Equal Opportunity

It is the policy of the Arizona Department of Corrections to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, age, disability, national origin, or any other characteristic protected by law. The Arizona Department of Corrections prohibits any such discrimination or harassment.

Retaliation is prohibited

The Arizona Department of Corrections encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Arizona Department of Corrections to investigate such reports. The Arizona Department of Corrections prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Definitions of Harassment

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or,
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group, and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender.

Sexually harassing conduct includes, but is not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; leering; whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Individuals and Conduct Covered

This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the Arizona Department of Corrections, such as an outside vendor, consultant or customer.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting such as outside business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

The Arizona Department of Corrections encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their Immediate Supervisor, Manager, Equal Opportunity Liaison, Equal Opportunity Coordinator, and Warden or Bureau Administrator.

In addition, the Arizona Department of Corrections encourages individuals who believe they are being subjected to such conduct, to promptly advise the offender that his/her behavior is unwelcome and request that it be discontinued. The Arizona Department of Corrections recognizes, however, that an individual may prefer to pursue the matter through the complaint process.

Complaint Procedures

If for any reason an individual does not wish to address the offender directly, the employee should promptly notify any of the following: his/her immediate Supervisor, Manager, Equal Opportunity Liaison, Equal Opportunity Coordinator, Warden or Bureau Administrator. An individual reporting harassment, discrimination or retaliation should be aware that the Arizona Department of Corrections may decide it is necessary to take immediate corrective action to address the complaint.

Employees who wish to file a complaint shall complete one of the following: Allegation of Discrimination/Title VII Complaint, Form 527-2; Information Report, Form 105-2 or memo and submit it to his/her Warden, Bureau Administrator, Equal Opportunity Liaison or the Equal Opportunity Coordinator. Employees may also use the employee grievance procedure, in accordance with Department Order No. 517, Employee Grievances, to file a grievance regarding employment discrimination. Recipients of employment discrimination complaints shall:

- Immediately forward the complaint to the Warden or Bureau Administrator and the Equal Opportunity Coordinator.
- The Warden or Bureau Administrator in consultation with the Equal Opportunity Coordinator shall determine if the facts stated in the complaint warrant immediate intervention and further investigation, or the complaint is not an Equal Opportunity matter and shall be addressed using appropriate administrative measures.
- The Warden or Bureau Administrator shall notify the complainant in writing advising them of the determination to conduct a fact finding or a fact finding is not required and the complaint will be addressed using appropriate administrative measures.

If a fact finding is required, the Warden or Bureau Administrator shall appoint an Equal Opportunity Liaison to conduct the fact finding. The fact finding shall be:

- Overseen by the Equal Opportunity Coordinator.
- Completed within ten workdays after the determination is made to conduct the fact finding.
- If additional time is needed, the approval shall be obtained through the Warden, Bureau Administrator or the Equal Opportunity Coordinator.
- All staff shall respond truthfully when interviewed during the fact finding.
- Upon completion of the fact finding the Equal Opportunity Liaison shall forward all documentation to the Warden or Bureau Administrator and the Equal Opportunity Coordinator.

The Equal Opportunity Coordinator shall determine if the fact finding provided sufficient information for making an accurate assessment of the facts to determine whether the complaint constitutes a violation of Title VII of the Civil Rights Act of 1964, as amended; and make recommendations to the Warden or Bureau Administrator to address the complaint using appropriate administrative measures or recommend the use of Department Order No. 601, Administrative Investigations and Employee Discipline. The Warden or Bureau Administrator shall:

- Within ten workdays of the completion of the fact finding, notify the complainant advising him/her of the results of fact finding and forward a copy to the Equal Opportunity Coordinator.
- Provide written notification to the Equal Opportunity Coordinator of the administrative actions taken to address the complaint.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately and include but be not limited to; reassignment or transfer, additional training, and disciplinary action such as a reprimand, suspension without pay or termination.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with appropriate investigation and corrective action. Depending on the nature of the complaint, it may not be possible to preserve confidentiality.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to investigation and disciplinary action if warranted.

Employees may also contact the Governor's Office of Equal Opportunity, the Arizona Attorney General's Civil Rights Division, and the Federal Equal Employment Opportunity Commission.

False complaints of harassment, discrimination or retaliation as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Conclusion

- The Arizona Department of Corrections has developed this policy to ensure that all of its employees can work in an environment free from harassment, discrimination and retaliation.

- The Arizona Department of Corrections will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint of violation of such policies will be investigated and resolved appropriately.
- The Arizona Department of Corrections will post this Non-Discrimination Policy Statement in conspicuous and easily accessible places to include but not limited to; bulletin boards, briefing rooms, conference rooms, meeting rooms, and briefing books, throughout the following Arizona State Prison Complexes; Douglas, Eyman, Florence, Lewis, Perryville, Phoenix, Safford, Tucson, Winslow, Yuma and also within all Community Corrections Offices, Recruitment Offices, the Correctional Officers Training Academy, and Central Offices in Phoenix, on the Department's intranet site, and on the internet at <http://azcorrections.gov>.
- All employment announcements shall include the Phrase:

"AN EQUAL EMPLOYMENT OPPORTUNITY AGENCY"

As Director of the Arizona Department of Corrections, I am committed to the principles of Equal Employment Opportunity. To ensure the dissemination and implementation of this Non-Discrimination Policy throughout all levels of the Department, Gail Perry shall serve as the Equal Opportunity Administrator for Arizona Department of Corrections and can be contacted at 602-542-1895 or gperry@azcorrections.gov.


Director's Signature

2.18.11
Date

Any employee who has questions or concerns about these policies should speak with the Equal Opportunity Administrator, Human Resources, or Employee Relations staff, or the Governor's Office of Equal Opportunity, <http://azgovernor.gov/eop/index.asp> or 602-542-3711.